DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

REPLY TO
ATTENTION OF:

May 22, 2006

Eastern Virginia Regulatory Section
03-6812-15

Mr. Roberto Fonseca-Martinez
Division Administrator
Federal Highway Administration
Post Office Box 10249
400 N. 8th Street, Room 750
Richmond, Virginia 23240

Dear Mr. Fonseca-Martinez:

This letter provides the comments of the Norfolk District Corps of Engineers on the Draft Environmental Impact Statement (DEIS) prepared for the Harrisonburg Southeast Connector Location Study in Virginia (R000-082-101, PE101). The Federal Highway Administration (FHWA) and the Virginia Department of Transportation (VDOT) are preparing the EIS, and the Corps of Engineers is a cooperating agency. We provided comments on the preliminary DEIS in emails to your consultants in November 2005 and January 2006.

Our primary concern in considering the effects of the project is the potential for impacts to waters of the United States, including streams and wetlands. Generally speaking, the impacts of the proposed alternatives to wetlands are not substantial, with projected impacts of less than one acre for each of the alternatives based on the design footprint width (240 feet). However, Alternative 1 will not impact wetlands, and Alternative 4 will impact less than a tenth of an acre, whereas Alternative 3 will impact 0.84 acres, and Alternatives 2 and 2A will each impact about one-half acre. Alternative 1 will, have greater stream impacts (2,516 linear feet) than Alternative 2 (1,655 linear feet) or 2A (2,215 linear feet). Alternative 4 will have impact substantially less stream impacts than the others at 980 linear feet, and Alternative 3 substantially more at 4,646 linear feet.

Based on the above, Alternative 4 appears to be the environmentally preferable alternative. Its project cost is also substantially less than the others. We recognize that the reason it costs less and has less impact to aquatic resources is that it is only half the length of the other alternatives, but presumably it addresses the stated Purpose and Need since it was carried forward into the DEIS. If an alternative with greater impacts is selected, the Final EA should document any factors that serve as a basis for determining that Alternative 4 is not practicable.

Comment 1

Comment 2

The document states on page 2-19 that, "theoretically, all five alternatives could be implemented." It goes on to evaluate various combination alternatives (1+4, 2+4, 1+2+4, and 1+3). In any study, all of the alternatives could theoretically be added together, but there would have to be sufficient justification in terms of benefits related to the purpose and need versus financial costs and impacts to resources. If the project proponents are seriously considering combining alternatives, then all the potential combinations should have been discussed every time the individual

Comment 3

alternatives were discussed. For example, Table S-3, which summarizes the impacts of the alternatives, should have included all of the combination alternatives so that the reader could readily see the comparative effects. If any combination alternative is selected, the Final EA should document why an individual alternative is not sufficient to meet the purpose and need. If a combination of alternatives is selected, we recommend that the combination include Alternative 4, since it has the least impact to aquatic resources, and not include Alternative 3, since it has the most impact to aquatic resources.

Bridges are preferred over pipes, culverts, fill, and other structures. Channel relocations should be avoided through alignment shifts, bridging, reducing the width of the median, or other means. For unavoidable channel relocations, we concur that natural stream design based on a representative reference reach should be used. We also concur that all box culverts and pipes should be countersunk, including any temporary pipes placed during construction (which is not mentioned as a minimization measure for construction impacts on page 4-40). The DEIS should address each of these avoidance and minimization measures and whether they are feasible at proposed channel relocation sites.

Comment 4

Potential impacts to the Cross Keys Battlefield are of concern, not only because of Section 106 requirements, but also because of the concerns of the public as documented in the DEIS. We concur with the decision to constrain the planning and design corridor for Alternative 1 to the existing 80-foot-wide right-of-way on Route 276 to minimize effects. Under the discussion of effects to archaeological resources in Section 4.15.2, it is noted that the potential for such effects is high under Alternative 1 due to the fact that it passes through the Cross Keys Battlefield Historic District. It is noted in Section 4.15.3 that although there will be visual effects to the battlefield, no character-defining features qualifying it for the National Register would be altered. That may be true, but the document should assess not only the visual effects of the wider road and shoulders, but also the visual and noise effects of increasing the number of vehicles on the road. According to the DEIS, current traffic on Rt. 276 is 3000 to 6000 vehicles per day, and that number is projected to be 9,300 to 14,000 under the 2030 No Build. If Alternative 1 is selected, the 2030 traffic projection is 11,000 to 15,700 vehicles per day. The document does not give information on what the traffic on Rt. 276 will be if another alternative is selected, i.e., construction of another alternative will reduce the traffic on Rt. 276 when compared to the No Build. The decision-makers should consider both the higher potential for Civil War-related archaeological resources and the effects of increased traffic on Rt. 276 when comparing Alternative 1 to the other alternatives, and the Final EIS should address these potential effects.

Comment 5

Comment 6

Many projects proposed by VDOT and funded by Federal-Aid Highway Funds managed FHWA require permits from the Corps of Engineers. These projects are subject to compliance with Section 106 of the National Historic Preservation Act of 1966.

According to 36 CFR 800.2(a) (2):

"...If more than one Federal agency is involved in an undertaking, some or all [of] the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the agency official who shall act on their behalf, fulfilling their collective

responsibilities under section 106. Those Federal agencies that do not designate a lead Federal agency remain individually responsible for their compliance with this part."

Pursuant to the above provision, the FHWA (Virginia Division) is hereby designated as the lead federal agency to fulfill the collective Federal responsibilities under Section 106 for the Harrisonburg Southeast Connector Location Study in Virginia (R000-082-101,PE101), which FHWA has determined may have an adverse effect on historic resources. Comment 7

The Corps authorizes FHWA to conduct Section 106 coordination on its behalf. The Memorandum of Agreement prepared by FHWA under 36 CFR 800.6 should include the following clause in the introductory text:

"WHEREAS, pursuant to Section 10 and/or Section 404 of the Clean Water Act, a Department of the Army permit will likely be required from the Corps of Engineers for this project, and the Corps has designated FHWA as the lead federal agency to fulfill federal responsibilities under Section 106; and"

There are a couple of minor errors that should be corrected in the Final EIS. Table 4-11 shows total acres of wetlands within each alternative. The text above that table states that it shows "amounts and types of wetlands," but it does not show types. We requested in our preliminary comments that the types be included, and in the FEIS they should either be included, or the text should remove the statement that the types of wetlands are shown in that table. Comment 8 Table 4-16 shows the effects of foreseeable VDOT projects as part of the cumulative effects discussion. The table shows numbers ranging from 0.03 up to 1,803 for various categories of impacts, but it does not say what the numbers represent. Presumably the numbers are in acres, but the table should specify. Comment 9

We had one question in our preliminary comments that does not appear to be addressed in the DEIS and we still have the same question. Comment 10 In Section 2.7.1, in the traffic analysis, it is stated that for over-capacity conditions you used a 1.0 multiplier and for under-capacity conditions, the factor was 0.1. For near-capacity, you used a factor of 0.7. Why did you not use an even split between 1.0 and 0.1 for the near capacity factor, i.e. 0.5 or 0.6 (0.55 would be an even split)? These factors affect the data in Table 2-5 on page 2-24.

As a cooperating agency, we appreciate the opportunity to comment on the DEIS. Please contact Alice Allen-Grimes at 757-201-7219 if you have any questions concerning our comments.

Sincerely,

Nicholas L. Konchuba

Nicholas L. Konchuba
Chief, Eastern Virginia
Regulatory Section

Copies Furnished:

Virginia Department of Transportation, Richmond
Environmental Protection Agency, Reston
U. S. Fish and Wildlife Service, Gloucester
National Marine Fisheries Service, Oxford
Virginia Department of Environmental Quality/Water Division, Richmond
Virginia Department of Historic Resources, Richmond